REMARKS

Claims 1 - 31 are currently under examination and have been rejected by the present Office Action. After entry of the present amendment, Claims 1 - 31 remain pending in the application. The present amendment amends independent claims 1, 13, and 24 to clarify the scope of the claimed invention. For example, independent claim 1 has been amended to clarify that the claimed invention provides a "first signal to the point of sale indicating that the promissory payment . . . be declined" and that the claimed invention includes a "decision overturn engine that, upon a decline, evaluates the risk of overturning the decline using a second scoring model." The cited reference does not teach or suggest at least this element of the claimed invention of independent claim 1. Claims 13 and 24 have been similarly amended. For at least this reason, reconsideration of the application in view of the Applicants' amendments and remarks is requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1 - 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Templeton, U.S. Patent No. 5,679,940 ("*Templeton*"). By the present amendment, independent claims 1, 13, and 24 have been amended to clarify the claimed invention of claims 1, 13, and 24. For example, independent claim 1 has been amended to include that risk scoring engine of the first transaction "provides a first signal to the point of sale" indicating that the transaction should be declined. (Underlining supplied). Furthermore, the amendment clarifies that the overturn scoring engine "evaluates risk of overturning the decline" instead of *re*-evaluating the decline. (Underlining supplied). Further, the amendment clarifies that a customer service representative utilizes the overturn classification signal "when and if the customer service representative receives a request from the customer to overturn the decline." (Underlining supplied). Independent claims 13 and 24 have been similarly amended. The present amendment to the independent claims is fully supported by the Applicants' Specification, at least at page 8, lines 30-31 and page 9 lines 1-15, which states in part:

> "The risk engine 206 upon making a determination as to whether to approve or decline a particular transaction, then sends the approval or decline information to the point of sale device 202 via the interface 204. In this way the merchant is made aware as to whether the agency 110 has approved or declined the particular check transaction . . . [T]his implementation of the risk assessment system 200 upon declining a particular transaction, activates a decision overturn engine 212. The decision overturn engine 212 is implemented by one or more processors, neural networks, or the like and it uses overturn scoring models 214 to determine a criteria as to whether the initial decline will be overturned when and if the customer contacts the customer service department 218 of the system 200. In one implementation, the decision overturn engine 212 performs a decision overturn process using the overturn scoring models 214 each time a transaction is declined and stores this information in the database 210. In another implementation, the decision overturn engine 212 only performs a decision overturn process using the overturn scoring models 214 when the customer takes the step to contact the customer service center 218. A customer service representative 216 can then initiate the process via the customer service software module 216 in a known manner.

In contrast, *Templeton* relates to systems and methods for initial transaction risk assessment rather than systems and methods for initial transaction risk assessment and overturn risk assessment. *Templeton* does mention that, after applying an initial risk scoring algorithm, if the risk score falls below a predetermined value, additional data can be requested from an interactive merchant terminal. *See* Col. 5, lines 5-23. However, unlike the claimed invention, the additional data is used to further evaluate the initial transaction and provide the merchant with a signal to accept or decline the initial transaction. *See* Col. 5, lines 24-34. *Templeton* fails to teach or suggest a system or method wherein a risk scoring engine "uses a first scoring model to assess the risk of the original financial transaction . . . and provides a first signal to the point of sale indicating that the promissory payment . . . be declined" and "a decision overturn scoring engine that, upon a decline, evaluates the risk of overturning the decline using a second scoring

model" and provides an overturn classification signal to a customer service module (Underlining supplied). There is no disclosure of or suggestion that providing the merchant with a decline signal and then, upon every decline, applying a second risk model to the decline that evaluates the risk of overturning a previously declined transaction. There is no discussion by *Templeton*, of providing the merchant with only an accept or decline after the first risk scoring model, and then for every decline applying a second risk scoring model to the transaction.

In addition, *Templeton* does not teach or suggest a customer service module that utilizes the overturn risk score to determine whether to overturn the original transaction. If the merchant terminal is not interactive, *Templeton* discloses the use of a live agent to act as an input from the merchant to the authorization host. *See* Col. 29, lines 12-65. Any additional data provided by the merchant, through use of an interactive terminal or a live agent, is sent to the authorization host computer, and a second transaction score approving or declining the transaction is then sent from the authorization host computer back to the merchant terminal. *See* Col. 5, lines 25-34. However, *Templeton* fails to disclose a system or method comprising a customer service module that receives an overturn classification signal such that "when and if the customer service representative receives a request from the customer to overturn the decline . . . the customer service representative utilizes the overturn classification signal to decide whether to overturn the original decline." (Underlining supplied). There is no disclosure of or suggestion that having a customer service representative decide whether to overturn or affirm a decline based on a request from a customer and an overturn classification signal previously generated by an overturn scoring engine.

Attorney for the Assignee submits that *Templeton* fails to present a prima facie case of obviousness for the amended and previously presented claims. Further, there is no teaching or suggestion within *Templeton* that discloses or suggests the concept of determining whether to accept or decline a promissory payment and, upon every decline, generating an overturn classification signal that is used by a customer service representative as a basis for their decision on whether to overturn or affirm a declined transaction when the customer contacts the representative and requests that the declined transaction be overturned. In fact, *Templeton* teaches away from the claimed invention. After *Templeton* mentions the use of live agents in other art, *Templeton* says that such a "process is very cumbersome and time consuming, and

results in what most merchants consider to be unacceptable delays to their customers . . . ." Col. 29, lines 48-50. Furthermore, *Templeton* says "[t]he system of the present invention avoids the problems of the prior art by providing a transaction terminal 15 that is capable of interactive data acquisition." Col. 29, lines 51-53.

The Attorney for the Assignee submits that the other independent claims 13 and 24 are further allowable for at least the reasons provided above.

Claims 2 - 12, 14 - 23, and 25 - 31 are ultimately dependent from at least one of independent claims 1, 13 and 24 for which arguments of patentability have been presented above. For at least the reasons provided above, the respective dependent claims are also believed to be in condition for allowance.

CONCLUSION

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,

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